

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA                    )  
                                  )  
Case No. 39576                )  
\_\_\_\_\_)                            Water Right 77-04207

NAME AND ADDRESS:       HABITAT HOLDINGS LLC  
                              JOHN A SANDY  
                              13348 W REDWIDK DR  
                              BOISE, ID 83713

SOURCE:                   KNAPP CREEK    TRIBUTARY: MARSH CREEK

QUANTITY:                 7.45    CFS

The quantity of water under this right for stockwater use shall  
not exceed 13,000 gallons per day.

PRIORITY DATE:           07/12/1922

POINT OF DIVERSION:      T12N R12E S18           NWNWNE   Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 05-01 TO 10-31 | 7.45   CFS |
|                               | Stockwater     | 04-15 TO 10-15 | 0.02   CFS |

| PLACE OF USE: | Irrigation          |           | Within Custer County |
|---------------|---------------------|-----------|----------------------|
|               | T12N R11E S13       | SWNE 18.0 | SWNW 12.0            |
|               |                     | SENE 35.0 | NESW 40.0            |
|               |                     | NWSW 14.0 | SESW 13.0            |
|               |                     | NWSE 27.0 |                      |
|               | 159.0   Acres Total |           |                      |

|  | Stockwater    |      | Within Custer County |
|--|---------------|------|----------------------|
|  | T12N R11E S13 | SWNE | SWNW                 |
|  |               | SENE | NESW                 |
|  |               | NWSW | SESW                 |
|  |               | NWSE |                      |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

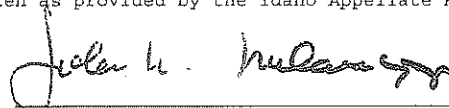
The quantity of water decreed for this water right for  
stockwater use is not a determination of historical beneficial  
use.

Property is known as Homestead Entry Survey No. 575.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication